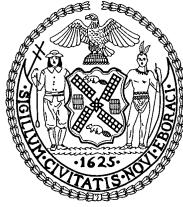


MEMO ENDORSED



USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 1/20/2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

**THE CITY OF NEW YORK
LAW DEPARTMENT**

100 CHURCH STREET
NEW YORK, NY 10007

MARK D. ZUCKERMAN
Senior Counsel
E-mail: mzuckerm@law.nyc.gov
Phone: (212) 356-3519
Fax: (212) 788-9776

January 20, 2023

VIA ECF

The Honorable Valerie E. Caproni
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: Jamie Portillo v. Jennifer Webb, et. al., 16 Civ. 4731 (VEC)(GWG)

Your Honor:

I am a Senior Counsel in the office of the Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, representing defendants Jennifer Webb, Manuel Aldir and Lucyna Gasanov herein. We write in accordance with Your Honor's order to propose a schedule for pre-trial submissions and trial herein.

On January 17, 2020, with a Spanish interpreter participating, I discussed scheduling with plaintiff, who is incarcerated, telephonically. Plaintiff and I both indicated our availability for a May, 2023 trial of this matter pending my confirmation with the three individual defendants. I then discussed scheduling with the three individual defendants. Jennifer Webb is retired and is not available the first two weeks in May. Thus, the three individual defendants are available for a trial, which we expect to last 2-3 days, during the last two weeks in May, 2023. (the weeks of May 15 and May 22)

During our phone call, I informed plaintiff of the Court's timing requirements for motions in limine, responses to motions in limine, joint pretrial order, proposed jury instructions and proposed voir dire, as set forth in the Court's Individual Rules of Practice. Plaintiff stated that he understood these requirements and the timing was acceptable to him.

However, there is one non-party witness, Dr. Moira Carroll, who as an emergency room physician treated plaintiff at Elmhurst Hospital on the date of incident and was a witness to

the subject incident. Defendants will be calling her as a non-party witness at trial. I have tried to reach out to her to confirm her availability during the last two weeks of May. I have not heard back from her yet. It appears that she may now be affiliated with Mt. Sinai Hospital and that she is no longer with Elmhurst Hospital. I am thus now in contact with Mt. Sinai Hospital to determine her availability the last two weeks in May.

I therefore request an additional week to January 27, 2023 to determine Dr. Carroll's availability the weeks of May 15 and May 22, if those two weeks are convenient for the Court to hold this trial, and report her availability to the Court by that time.

Thank you for your consideration herein.

Respectfully submitted,

/s/ Mark D. Zuckerman

Mark D. Zuckerman
Senior Counsel

cc: Jamie Portillo (via first class mail)

Application GRANTED. The Court is unavailable to hold a trial in this matter during the weeks of May 15 and May 22. In the next update, the parties must include their availability for a trial in late June or early July.

SO ORDERED.

 1/20/2023

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE